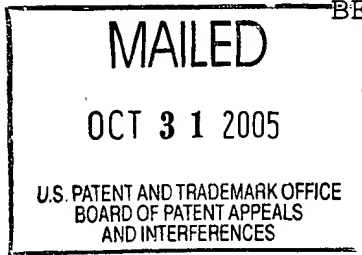


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SEAN R. WAKAYAMA

Application No. 08/917,480

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on July 21, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On July 21, 2003, this application was originally received at the Board. On July 31, 2003, the Board mailed an Order Returning Undocketed Appeal (hereinafter "Order") wherein the Board ordered the examiner to submit a corrected Appendix to the Brief and to submit a corrected Supplemental Examiner's Answer to clarify the grounds of rejection. A review of the application reveals that the examiner has not responded to the Board's Order mailed on July 31, 2003.

In addition, upon further review of this application, in particular the Examiner's Answer mailed on March 31, 2003, it appears that there is no evidence that an appeals conference was

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conducted by the examiner. According to the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 1, February 2003):


On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

Accordingly, it is

ORDERED that the application is returned to the examiner for resolution of the following issues:

- (1) to respond to the Order mailed on July 31, 2003,
- (2) to provide written notification to appellant regarding the status of the Order mailed on July 31, 2003
- (3) to take corrective action regarding the appeals conference in the Examiner's Answer mailed on March 31, 2003, and
- (4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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FCH/clm/hh